

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

DATE OF DECISION: 8.9.2006

United India Insurance Company Ltd.

...Appellant

versus

Kompal Ahuja and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Mahesh Grover.

Present: Mr.V.Ramswaroop, Advocate
for the appellant.
Mr.D.S.Randhawa, Advocate for
Mr.Ashit Malik, Advocate
Mr.Sushil Jain, Advocate
for respondent No.2.
Mr.Vikash Sharma, Advocate
for respondent No.3.

UMA NATH SINGH, J. (ORAL)

Service of notice is complete.

This judgment shall also dispose of connected FAO Nos.1579 of 2006 (United India Insurance Company Ltd. versus Kirti Arora and others) and 1580 of 2006 (United India Insurance Company Ltd. versus Master Samarth and others) as all these matters arise out of a common award dated 2.12.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Sonapat.

In these FAOs by the Insurance Company, learned counsel for the appellant urged that though the cover note was issued on 17.10.2003 and accident took place on 18.10.2003 but the insurance policy was to be

effective from 20.10.2003. However, learned counsel has no answer to the candid provision of Section 64 of the Motor Vehicle Act, 1988 (for short 'the Act'), which is contrary to his submission. Learned counsel also submitted that the Insurance Company should be given recovery right for the reason that in the evidence before the Tribunal it has come that the insured had sold the vehicle to respondent No.2 Varun alias Sheru, which he has also admitted. According to learned counsel, the insurance policy was not transferred. Nonetheless, the fact remains that the insured remained the registered owner of the vehicle. In terms of the provisions of Section 63 of the Act, we do not find any merit in the submissions of learned counsel.

Hence, the appeals are dismissed in limine. Moreover, the Insurance Company is granted liberty to recover the compensation amount, if there is a breach of policy, from the registered owner of the vehicle. Besides, these are only injury cases, where substantial justice has been done. Moreover despite permission having been granted under Section 170 of the Act to the Insurance Company, neither any argument was raised nor any evidence led, which would warrant interference with the award. Further, proportionate amounts, on account of contributory negligence of 20% , have been deducted.

Compensation amount deposited with the Registry of this Court be sent to learned Motor Accident Claims Tribunal, Sonapat, forthwith for releasing it to the claimants.

(UMA NATH SINGH)
JUDGE

September 8, 2006
pk

(MAHESH GROVER)
JUDGE